

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DEBORAH A. RITES and
RICHARD F. RITES, her husband,

CIVIL ACTION NO.:

Plaintiff(s),

vs.

HARRY L. KOUTOUZIS, JOHN DOES 1-10
(names presently unknown) and XYZ
CORPORATIONS 1-10 (names presently
unknown),

COMPLAINT and JURY DEMAND

Defendant(s).

Plaintiffs, by and through their attorney, bring this Complaint against the Defendants and in support of the allegations as follows:

PARTIES

1. Plaintiff, DEBORAH A. RITES, resides at 1299 Winding Way, Tobyhanna, Township of Coolbaugh, County of Monroe County and State of Pennsylvania.
2. Plaintiff, RICHARD F. RITES, is the husband of Plaintiff, DEBORAH A. RITES, and resides at 1299 Winding Way, Tobyhanna, Township of Coolbaugh, County of Monroe County and State of Pennsylvania.
3. Defendant, HARRY L. KOUTOUZIS, resides at 2024 Windsor Avenue, Township of Toms River, County of Ocean and State of New Jersey.

JURISDICTION

4. This Court has original jurisdiction over this action under 28 U.S.C. § 1332, in that the amount of controversy exceeds seventy five thousand dollars (\$75,000) and Plaintiffs are residents of a State which is different from the State where Defendant resides.

5. Venue is proper in this district because the accident occurred in Eatontown, New Jersey, in the County of Monmouth, which falls within the jurisdiction of this Court. Further, the Borough of Eatontown Police Department conducted an investigation at the scene of the accident and any potential witnesses to the accident are likely to be located in New Jersey.

FIRST CAUSE OF ACTION

(Negligence – Deborah A. Rites)

6. On or about August 8, 2014, Plaintiff, DEBORAH A. RITES, was the owner and operator of a motor vehicle traveling eastbound on Route 36, approximately 100 feet east of the DMV jughandle, in the Borough of Eatontown, County of Monmouth and State of New Jersey.

7. At the above-mentioned time and place, Defendant, HARRY L. KOUTOUZIS, was the operator and owner of motor vehicle also traveling eastbound on Route 36, approximately 100 feet east of the DMV jughandle, in the Borough of Eatontown, County of Monmouth and State of New Jersey. Defendant, HARRY L. KOUTOUZIS, struck the rear of plaintiff's vehicle and pushed it into a third vehicle.

8. Defendant was negligent in the operation, maintenance and/or ownership of his motor vehicle and/or did fail to make proper observations causing the aforementioned crash.

9. As a direct and proximate result of the negligence of the Defendant as aforesaid, Plaintiff was caused to sustain severe painful bodily injuries, including but not limited to a right wrist fracture which required surgery, medical care and treatment and physical rehabilitation.

10. As a direct and proximate result of the negligence of the Defendant and physical injuries sustained by Plaintiff as aforesaid, Plaintiff has suffered and will in the future suffer much pain in mind and body, has incurred and will in the future incur expenses for medical care and treatment and physical rehabilitation, has suffered and will in the future suffer economic

loss, was unable and will in the future be unable to attend to her usual and customary activities and was caused to suffer permanent injury.

SECOND CAUSE OF ACTION

(Loss of Consortium – Richard F. Rites)

11. Plaintiffs adopt and incorporate by all preceding paragraphs of this Complaint as if fully set forth herein.

12. Plaintiff, RICHARD F. RITES, is the husband of Plaintiff, DEBORAH A. RITES.

13. As a result of the negligence of the Defendant as aforesaid, Plaintiff, RICHARD F. RITES, has been caused to suffer a loss of consortium, has been forced to undertake certain activities that he did not previously have to perform, has been caused to suffer great mental anguish as a result of his wife's injuries, has been forced to expend sums of money for medical care, has suffered economic damages and will in the future be caused to suffer said losses.

THIRD CAUSE OF ACTION

(Fictitious Defendants)

14. Plaintiffs adopt and incorporate by all preceding paragraphs of this Complaint as if fully set forth herein.

15. Defendants, JOHN DOES 1-10 (names presently unknown) and XYZ CORPORATIONS 1-10 (names presently unknown), negligently owned, operated, maintained and/or controlled their motor vehicle so as aforesaid.

16. As a direct and proximate result of the negligence of the Defendants as aforesaid, Plaintiff was caused to sustain severe painful bodily injuries, including but not limited to a right wrist fracture which required surgery, medical care and treatment and physical rehabilitation.

17. As a direct and proximate result of the negligence of the Defendants and physical injuries sustained by Plaintiff as aforesaid, Plaintiff has suffered and will in the future suffer much pain in mind and body, has incurred and will in the future incur expenses for medical care and treatment and physical rehabilitation, has suffered and will in the future suffer economic loss, was unable and will in the future be unable to attend to her usual and customary activities and was caused to suffer permanent injury.

18. Plaintiffs reserve the right to amend the Complaint to join these potentially culpable parties if discovery should reveal that said parties are in any way responsible for the injuries sustained by plaintiff.

DEMAND

WHEREFORE, the Plaintiffs, DEBORAH A. RITES and RICHARD F. RITES, her husband, demand judgment against the Defendants, HARRY L. KOUTOUZIS, JOHN DOES 1-10 (names presently unknown) and XYZ CORPORATIONS 1-10 (names presently unknown), for compensatory damages as to all Counts of the Complaint and that such damages should be entered against the Defendants as follows:

- a. Compensatory Damages;
- b. Interest;
- c. Attorney's fees and cost of suit; and
- d. Any and all such further relief as the Court deems just and proper.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedures, Plaintiffs hereby demand a trial by jury of this action.

DESIGNATION OF TRIAL COUNSEL

Jonathan P. Arnold, Esq. is hereby designated as trial attorney in this matter.

Dated: January 12, 2015

By: s/ Jonathan P. Arnold
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